

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

15-cr-379 (PKC)

-against-

ORDER

JUAN ANTONIO HERNANDEZ ALVARADO,

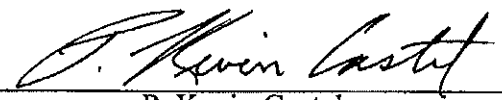
Defendant.
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CASTEL, U.S.D.J.

Section 2255(g) of title 28 permits a district court under certain circumstances to appoint counsel in a proceeding brought under section 2255. Just as a district court is without authority to extend the time for filing a section 2255 motion in advance of the filing of a section 2255 motion,¹ this Court concludes that it may not appoint counsel under the Criminal Justice Act to investigate the possibility of filing a motion under section 2255.

Letter motion filed January 18, 2023 (ECF 510) and the ex parte application of February 8, 2023 submitted under seal are DENIED.

SO ORDERED.



P. Kevin Castel
United States District Judge

Dated: New York, New York
February 13, 2023

¹ United States v. Leon, 203 F.3d 162 (2d Cir. 2000).